THE HONOURABLE SRI JUSTICE B. PRAKASH RAO

AND

THE HONOURABLE SRI JUSTICE D. APPA RAO

W.A. NO. 228 of 2006

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Dated: 17.04.2006

Between:-

1. The Depot Manager, APSRTC, Yadagirigutta Bus Depot, Nalgonda District
2. The Depot Manager, APSRTC, Hyderabad-2 Depot, Dilsukhnagar, Hyderabad.

…Appellants

And

A. Ramesh s/o Somaiah

…Respondent

THE HONOURABLE SRI JUSTICE B. PRAKASH RAO

AND

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W.A. NO. 228 of 2006

J U D G M E N T (per Hon'ble Sri Justice B.Prakash Rao)

Heard Sri V.T. M. Prasad, learned senior counsel for the appellants and also Sri P.

Venkateshwar Rao, learned counsel appearing for the respondent and at their request the main appeal itself is taken up for disposal.

The only short question involved in this appeal is with regard to punishment of major penalty. This Court as per the judgment in W.A. No. 317 of 2006, dated 10.4.2006, considered various decisions of the apex court and held that it would amount to major penalty and therefore necessarily has to follow the procedure as contemplated under its Regulations.

Sri V.T.M. Prasad further submits that having regard to the principles laid down in the decision in Kulwant Singh Gill v. State of Punjab (SC) reported in 1990 (6) SLR-73 necessarily it follows minor penalty and therefore no procedure need be followed.

Having given due consideration where the apex court considering Regulation 4 of Syndicate Bank Officer-Employees (Discipline and Appeal) Regulations, 1976, wherein the definition of minor penalties of withholding of increments of pay with or without cumulative effect and held that such punishment is a minor penalty and therefore would not come forward. Whereas in the present case there is no such definition in any of the regulations claimed by the appellant herein. The learned counsel tried to submit that both the regulations 8 (4) and 16 have to read together and squarely within the definition as contemplated under Rule 4 of the Regulations. In the aforesaid decision of the Syndicate Officers Case, neither Rule 16 nor Rule 8(4) specifically mentions any such nature or existence in the penalty considered.

In view of the same principles laid down, the above decision has no application to the facts of the present case. Necessarily, the appellant has to follow the procedure as contemplated under the Regulations.

Following the decision of this Court, we do not find any merits in this appeal.

The appeal is accordingly dismissed. No costs.

B. PRAKASH RAO,J

D. APPA RAO, J

Dated: 17.4.2006

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